
FINAL RECOMMENDATIONS FOR THE BOARD OF PSYCHOLOGY

April 12, 2005

RECOMMENDATIONS OF THE JOINT COMMITTEE ON BOARDS, COMMISSIONS, AND CONSUMER PROTECTION AND THE DEPARTMENT OF CONSUMER AFFAIRS

ISSUE #1: Should the licensing and regulation of psychologists and the psychology profession be continued, and be regulated by an independent board rather than by a bureau under the Department?

Recommendation #1: *The Joint Committee recommends that the psychology profession should continue to be regulated and that a board structure be maintained.*

Comments: The Department made no recommendation regarding the continuation of the Board of Psychology and indicated instead that it is generally supportive of boards being sunsetted and their programs being incorporated into the Department, and therefore that it will not be making recommendations regarding this board and would like to further discuss this issue with the Joint Committee.

The Joint Committee is, however, recommending at this time both the continued regulation and licensing of psychologists and the psychology profession and the continuation of the Board of Psychology. Psychologists are licensed in all 50 states, Guam, the U.S. Virgin Islands and all Canadian Provinces. The potential for harm to consumers in this profession is great. Psychological services involve a highly intimate process in which patients discuss very personal feelings and details of their lives with a licensed psychologist, in an attempt to resolve severe conflicts from the past, deal with highly traumatic incidents, and develop new patterns of behavior to live their lives more effectively. These patients are highly vulnerable and many are seeking therapy to deal with the most confidential and emotional issues, such as prior incidences of sexual abuse and rape. Professionals in this field necessarily provide their services behind closed and sometimes locked doors are therefore bound by strict tenets of confidentiality. In that context, individual patients who may have problems with their psychologist require, more than many other kinds of consumers, an independent regulator to help deal with the professionals neutrally, but who have a paramount duty to act in the public interest.

ISSUE #2: Should Business and Professions Code Section 2909 be clarified concerning “registered psychologists?”

Recommendation #2: *Business and Professions Code 2909 should be amended concerning registered psychologists.*

Comments: Business and Profession Code Section 2909 addresses registered psychologists working in non-profit community agencies as a way of accruing hours of supervised professional experience for meeting licensing requirements. The Board would like to add clarifying language with regard to the qualifications for the registration, formally establish the title “registered psychologist” and increase the amount of time one may work as a registered psychologist from two years to thirty months, which makes the duration of this registration consistent with the amount of time a trainee may take to complete the post-doctoral year of supervised experience.

ISSUE #3: **Should Business and Professions Code Section 2911 be amended to recognize post-doctoral internships?**

Recommendation #3: Business and Profession Code Section 2911 should be amended to recognize post-doctoral internships.

Comment: Historically, Business and Professions Code Section 2911 has used the term “intern” as meaning a predoctoral student working at a formal internship placement as part of his or her doctoral training. In the past decade, major training organizations have developed high quality, broadly recognized postdoctoral training programs. Participants in such postdoctoral placements receive some of the highest quality training that exists to accrue the mandated 1500 hours of postdoctoral supervised experience. The recommended amendments to B&P section 2911 would allow the board to recognize such postdoctoral internships as yet another opportunity in which to accrue high quality supervised experience.

ISSUE #4: **Should Business and Professions Code 2912 specifically recognize the consumer-protection model of U.S. and Canadian licensing of psychologists?**

Recommendation #4: *Business and Professions Code Section 2912 should specifically recognize the consumer-protection model of U.S. and Canadian licensing of psychologists.*

Comment: The model of licensure for the profession of psychology throughout the U.S. and Canada is unique, focusing on consumer protection. No other jurisdictions use consumer protection as the focus of regulation. In all U.S. and Canadian jurisdictions, a consumer protection-focused licensing model is used. The term “certification” as used in Business and Professions Code Section 2912 is obsolete with regard to regulation of the profession of psychology in North America. In other countries, the type of regulation is generally not focused on public protection, nor are applicants mandated to take and pass the national psychology examination known as the EPPP.

ISSUE #5: **Should the Board have control over educational programs psychology degrees rather than just schools offering programs leading to those degrees?**

Recommendation #5: *Business and Profession Code 2914 should be amended to allow the Board to ensure quality control over psychology degrees by making the final determination of whether a degree being offered meets the requirements of California law.*

Comment: Business and Professions Code Section 2914 requires all applicants to possess a named doctorate degree that was obtained from a regionally accredited institution or from one of the few unaccredited schools in California that are approved by the California Bureau of Private Postsecondary and Vocational Education. This law does not establish any quality control for the contents of the program, whether core areas of coursework have been included or whether an appropriate dissertation or project has been required. To require that the degree be obtained from a school that has been accredited or approved is good policy. However, it does not ensure that the school has established a quality training program that prepares students for the independent practice of psychology. As written, this section establishes quality control over the educational institution. It fails to establish quality control over the psychology degrees that such schools award.

ISSUE #6: Should Business and Profession Code Section 2936 be updated to specifically reference the APA’s Ethical Principles and Code of Conduct?

Recommendation #6: *Business and Profession Code Section 2936 should be updated to specifically reference the APA’s Ethical Principles and Code of Conduct.*

Comment: Business and Profession Code Section 2936 establishes the “code of ethics” of the APA as the established standards of ethical conduct for California psychologists. The code of the APA which is being referenced in this statute is actually entitled the *Ethical Principles and Code of Conduct*.

ISSUE #7: Should Business and Professions Code Sections 2942 and 2946 be amended to reflect the Board’s use of computer-administered examination formats?

Recommendation #7: *Business and Professions Code Sections 2942 and 2946 should be amended to reflect the Board’s use of computer-administered examination formats.*

Comments: Since the last review for the board in 1997, it was established by the Department and its Office of Examination Resources that the board’s oral examination was not valid. Basically, it was established that the oral examination format violated Business and Professions Code Section 139 because the oral examination format could not, despite the Board’s efforts, be established as valid and legally defensible. The Board has transitioned away from oral exams, and now uses both the national examination (EPPP) and the California supplemental examination (currently the CJPEE) in a validated computer administered format. However, the current statute does not reflect these changes.

ISSUE #8: Should the obsolete Business and Profession Code Section 2945 be deleted?

Recommendation #8: *Business and Profession Code Section 2945 should be deleted.*

Comment: B&P section 2945 provides for electronic recording of oral exams. The Board no longer gives oral exams. This provision is obsolete, and should be deleted.

ISSUE #9: Should obsolete provisions of Business and Professions Code Section 2983 and 2987 be deleted?

Recommendation #9: *Obsolete provisions of Business and Profession Code Sections 2983 and 2987 should be deleted.*

Comment: Business and Profession Code Section 2983 contains obsolete provisions concerning what the Board should do waive or refund fees when a license is good for less than 45 days. There are no longer any circumstances under which a license would be good for less than 45 days, so this provision is obsolete. Similarly, provisions in Business and Profession Code 2987 reference licenses good for less than one year. Again, no such circumstances exist under current law.

ISSUE #10: Should the term “retirement” be added to Business and Profession Code Section 2988 as a reason for a license to be inactive?

Recommendation #10: *Business and Professions Code Section 2988 should be amended to recognize “retirement” as a valid reason for a license to be inactive.*

Comments: Business and Profession Code Section 2988 addresses the inactive license status. Often board staff is asked how a person can put his or her license on a “retired” status once the psychologist is no longer practicing due to retirement. The addition of the word “retirement” to this section will make it clear to those persons who wish to cease practice due to retirement that they need to put their licenses on inactive status.